

Court of Appeals, State of Michigan

ORDER

James Wade v Whiteford Township

Docket No. 271953

LC No. 05-019520-AA

Joel P. Hoekstra
Presiding Judge

William B. Murphy

Richard A. Bandstra
Judges

The motion to intervene is DENIED.

The Court orders that the application for leave to appeal is DISMISSED. The trial court lacked jurisdiction to entertain petitioners' appeal because the appeal was filed prematurely where the claim of appeal was filed before the Zoning Board of Appeals certified its minutes of the June 8, 2004 meeting. *Davenport v City of Grosse Pointe Farms Bd of Zoning Appeals*, 210 Mich App 400, 405; 534 NW2d 143 (1995); *Krohn v Saginaw*, 175 Mich App 193, 196; 437 NW2d 260 (1988). The appellate proceedings below and the resulting order were void *ab initio*. *Fox v Board of Regents of the University of Michigan*, 375 Mich 238, 242; 134 NW2d 146 (1965). Accordingly, there is nothing for this Court to review.

Hoekstra, P.J., would grant motion to intervene and motion for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2007

Date

Sandra Schultz Mengel
Chief Clerk